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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,180	01/26/2004	Laurent H. Andriantsiferana	062891.1235	3690

5073 7590 07/13/2007
BAKER BOTTS L.L.P.
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DALLAS, TX 75201-2980

EXAMINER

LEE, BETTY E

ART UNIT	PAPER NUMBER
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2616

NOTIFICATION DATE	DELIVERY MODE
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07/13/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mike.furr@bakerbotts.com
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Office Action Summary

Application No.

10/766,180

Applicant(s)

ANDRIANTSIFERANA, LAURENT
H.

Examiner

Betty Lee

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8, 11, 17, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 3, 11, 17 and 23, the phrase "may be used" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 2 and 4-7 are rejected as being dependent on a rejected base claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims **1, 2, 5-10, 12-16, 18-22, and 24-26** are rejected under 35 U.S.C. 102(e) as being anticipated by Hundscheidt et al. (US 2005/0007969).

Regarding claim 1, Hundscheidt teaches a gateway packet radio service (GPRS) support node (GGSN) operable to establish a communication link with an end user (see 89 lines 7-14), wherein the GGSN is operable to use signaling information associated with the communication link to identify a correlation between the end user and a multicast service group associated with the end user (see paragraph 89 lines 21-25), and wherein the correlation may be used to provide one or more multicast services to the end user (see paragraph 89 lines 21-25).

Regarding claim 2, Hundscheidt teaches a table included within the GGSN and operable to store the correlation between the end user and the multicast service group associated with the end user (see paragraph 89 lines 21-25).

Regarding claim 5, Hundscheidt teaches the one or more of the multicast services is provided in a selected one of an audio stream format and a video stream format (see paragraph 20 lines 1-3; Multimedia, which includes an audio and video stream, is multicasted via an IP network.).

Regarding claim 6, Hundscheidt teaches the GGSN is further operable to perform joining and leaving operations associated with the end user joining and leaving

one or more multicast service group communication sessions (see paragraph 89 lines 7-14 and paragraph 103 lines 1-5).

Regarding claim 7, Hundscheidt teaches the GGSN is further operable to forward IP multicast traffic associated with the multicast service group to the end user (see paragraph 76 lines 1-10).

Regarding claim 8, Hundscheidt teaches the GGSN is further operable to replicate one or more packets and to deliver the packets to one or more communication tunnels associated with one or more end users that belong to the multicast service group (see paragraph 42 lines 1-7).

Regarding claims 9, 15, and 21, Hundscheidt teaches establishing a communication link with an end user (see paragraph 89 lines 1-4);

evaluating signaling information associated with the end user and a multicast service group associated with the end user (see paragraph 89 lines 7-14); and

using the correlation to provide one or more multicast services to the end user (see paragraph 89 lines 7-14).

Regarding claims 10, 16, and 22, Hundscheidt teaches storing the correlation between the end user and the multicast service group associated with the end user in a table (see paragraph 89 lines 10-14).

Regarding claims 12, 18, and 24, Hundscheidt teaches performing joining and leaving operations associated with the end user joining and leaving one or more multicast service group communication sessions (see paragraph 89 lines 7-14 and paragraph 103 lines 1-5).

Regarding claims 13, 19, and 25, Hundscheidt teaches forwarding IP multicast traffic associated with the multicast service group to the end user (see paragraph 76 lines 1-10).

Regarding claims 14, 20, and 26, Hundscheidt teaches replicating one or more packets associated with a selected one of the multicast services; and delivering the packets to one or more communication tunnels associated with one or more end users that belong to the multicast service group (see paragraph 42 lines 1-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims **3, 11, 17, and 23** rejected under 35 U.S.C. 103(a) as being unpatentable over Hundscheidt et al. (US 2005/0007969) in view of Karjanlahti (US 2003/0187926).

Regarding claims 3, 11, 17, and 23, Hundscheidt teaches all the subject matter of the claimed invention with the exception of an APN. However, Karjanlahti teaches the signaling information includes an access point name that may be used to match the end user to the multicast service group (see paragraph 23 lines 1-3 and paragraph 24 lines 16-19). Thus, it would have been obvious to one of ordinary skill in the art to use the system of Karjanlahti in the system of Hundscheidt. The motivation for doing so is to increase efficiency by identifying the multicast group with a label.

Allowable Subject Matter

6. Claim 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim et al. (US 2006/0109812), Park (US 2004/0017809), Zhu (US 2003/0152098), and Casati et al. (US 2003/0039232) are all cited to show systems which are considered pertinent to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betty Lee whose telephone number is (571) 270-1412.

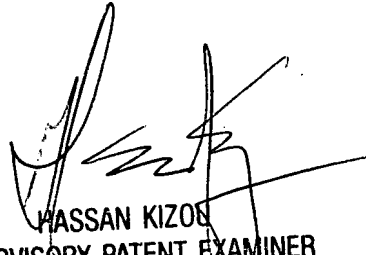
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The examiner can normally be reached on Monday-Thursday 9-5 EST and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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